

IN THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1 and 2. This sheet replaces original Figures 1 and 2.

Remarks and Arguments:

Claim 1 has been amended, claim 6 has been cancelled and new claims 14 and 15 have been added as supported by the specification as filed. Accordingly, claims 1 to 5 and 7 to 15 remain for consideration in this application. The above amendments and the following remarks are submitted as a full and complete response to the Office Action of 01/23/2007.

In paragraph 1 of the Office Action, the specification was objected to. In response, one occurrence of reference numeral “10” has been corrected to - -12- - on Figure 1. In addition, paragraphs [0018] and [0020] have been amended as per the Examiner’s suggestions.

Figure 2 has also been amended to correctly label the solar panel with reference numeral “20”.

The Examiner has rejected claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In response, claim 1 has been amended to replace the first occurrence of “solar electricity-producing array” with -- solar electricity-producing panel--.

The Examiner has rejected claims 1-3, 5-7, 12 and 13 as being anticipated by US 4,980,574 (Cirrito); claims 1-4, 7 and 10-13 as being anticipated by US 2003/0121541A1 (Hilton et al.); and claims 1-4, 7-11 and 13 as being anticipated by US 6,932,489 (Sooferian). Applicant respectfully traverses this rejection having regard to the new claims for the reasons set out below.

The present invention relates to a portable power supply especially useful in gardens since it is shaped to resemble a naturally-occurring garden feature such as a rock or tree stump. In this way, power can be supplied to run an external device such as a fountain pump without use of any unsightly cords or power boxes being visible. This is explained in the present application at paragraphs [0007] and [0022].

The power supply includes a solar panel to harness energy from the sun to charge a battery 22 located within the body of the power supply. The battery then powers outlet 20 to provide power to the external device. Present claim 1 has been amended to recite that the power outlet is a DC power outlet as supported by paragraph [0017], lines 8-9 of the present application. The electric circuit of the present invention defined by claim 1

does not require an inverter if AC power is not to be generated, resulting in a simpler, lighter and cheaper electrical circuit.

Independent claim 14 has been added and recites a portable garden power supply for powering an external device, the garden power supply comprising a massive body having an irregular shape resembling a natural rock, and a DC power outlet for providing DC power from said solar electricity-producing array to power the external device

Applicant respectfully submits that none of the cited references, taken alone or in combination, produce the invention claimed in claim 1 of the present application; all of the references fail to teach or suggest a power supply in the form of a natural-looking garden element that generates power via a solar panel and outputs that power through a DC outlet to power an external device. The advantages of such a natural looking garden feature to provide DC power to an external device as discovered by the present inventor is not disclosed, taught or even appreciated by the prior art.

The prior art is limited in its usefulness in powering a separate DC garden appliance. For example, a landscape designer may wish to incorporate a fountain within a garden, requiring a DC motor. Prior to this invention, the landscaper may have had to resort to using a long power cord to reach a power outlet, resulting in a potential hazard. The present invention permits the powering of such separate devices such as a garden pump by providing a portable garden DC power supply. Further, since the power supply of the present invention is in the form of a natural garden feature such as a rock or tree stump, concealment of the power supply in the garden is relatively easy.

Cirrito is directed to a solar irrigation system. In applying Cirrito, the Examiner has argued that the devices because the devices of Cirrito are meant to be put in a garden for an irrigation system, the devise “are inherently natural garden features” (see page 3 of Office Action). However, Applicant submits that the devices of Cirrito are not natural garden features as meant within the context of present claim 1. As mentioned above, the power supply of the present invention has the appearance of a naturally-occurring garden element such as a rock or tree stump. Accordingly, the irrigation system of Cirrito is not a natural garden feature within the meaning of present claim 1. Cirrito does not attempt to disguise the system as a natural garden feature.

In Cirrito, a solar panel is used to generate DC power, which is then expressly converted to AC power. Accordingly, the electrical system of Cirrito incorporates an

inverter. A careful study of Cirrito reveals that the system specifically uses an inverter that is tailored to comply with industry standard components, such as timers, which are powered by AC power. See column 4, lines 18 to 38. It is not taught or suggested that use of a DC power outlet, as recited in present claims 1 and 14, can be used.

It is well established law that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently, described in single prior art reference”. Verdegaal Bros. vs. Union Oil of California 2USPQ2d 1051.

Further, Applicant submits that Cirrito actually teaches away from the use of a DC power outlet to power an external device, since the system of Cirrito is specifically designed to power external AC devices as known in the art of irrigation systems.

Hilton et al. is directed to a home identification system that is back-lit. The lights for backlighting are powered by a solar panel. In contrast to the present invention defined by claim 1, the home identification system of Hilton et al. is not a natural garden feature within the context of claim 1.

The system of Hilton et al. is a self contained unit. The system is not intended to provide power to an external device. The power generated by the solar panel in the home identification system is not used or intended for powering any external device. As such, the system of Hilton et al. does not include a DC outlet as recited in present claim 1. Further, there is no suggestion to add a DC outlet since the purpose of the system of Hilton et al. is not to provide power to any external device.

Sooferian is directed to a stepping stone having a light source therein. In a similar fashion as the home identification system of Hilton et al., the stepping stone of Sooferian is a self-contained unit; the light in the stepping stone is powered via a solar panel. As such, the system of Sooferian does not include a DC outlet as recited in present claim 1. Further, there would be no motivation to add a DC outlet since the purpose of the system of Sooferian is not to provide power to any external device, and indeed such an addition would be inconsistent with the teaching of Sooferian, which relates solely to a self-contained unit wherein the solar panel powers a light integral within the unit.

Accordingly, Applicant respectfully submits that none of the cited references teach or suggest a power supply in the form of a natural-looking garden element that generates power via a solar panel and outputs that power through a DC outlet to power an external device, as claimed in present claim 1.

Similarly, present claim 14 recites a portable garden power supply for powering an external device, the garden power supply comprising a massive body having an irregular shape resembling a natural rock, and a DC power outlet for providing DC power from said solar electricity-producing array to power the external device. Applicant submits that the cited references fail to teach or suggest the present invention defined by this claim for the reasons set out below.

Cirrito is not an irregular shape resembling a rock nor does Cirrito teach the use of a DC power outlet. Hilton et al. also is not an irregular shape resembling a rock. Hilton et al. also does not teach or suggest the use of any power outlet to power an external device, let alone a specific DC outlet. Sooferian is not an irregular shape resembling a rock within the definition of the present invention as mentioned above. Further Sooferian does not include a DC power outlet to power an external device.

Claim 4 dependent on claim 1 further defines the massive body to be in the shape of a rock. The Examiner has rejected this claim in view of both Hilton et al. and Sooferian. However, Applicant submits that neither reference teaches or suggests a power supply in the form of a rock within the context of the present invention.

Dependent claims 2 to 5, 7 to 13 and 15 depend either directly or indirectly from independent claims 1 and 14, and include all of the limitations of its respective parent claim. Therefore, the dependent claims are believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claims.

Accordingly, Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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